

## **REMARKS**

### **Amendment to Specification**

The specification has been amended herein to fill in the two blanks in the “Related Application” section on page 1 of the application as filed.

### **Rejection of claims 1-22 under 35 U.S.C. §102(e)**

The Examiner rejected claims 1-22 under 35 U.S.C. §102(e) as being anticipated by Duimovich et al. (Duimovich) US Pub. No. 2002/0052947. Applicant traverses the Examiner’s finding of anticipation of the claims.

In the rejection, the Examiner states that Duimovich teaches the performance data access mechanism recited in claim 5, citing page 3, paragraphs 0039-0041 of Duimovich. Applicant respectfully asserts that Duimovich does not teach or suggest the performance data access mechanism specified in claim 5.

Claim 5 includes the following limitation:

... a performance data access mechanism that allows access to the performance data by a user of the second computer system only if the performance data transmission mechanism is enabled.

The cited portion of Duimovich describes a client application that collects web browser-based performance data. The performance data is transmitted in the form of a page summary by placing it in a shared memory segment. There is no discussion in the cited text concerning the data access mechanism allowing access to performance data by a user of the computer system only if the performance data transmission mechanism is enabled. This claimed feature allows the supplier of software or hardware to control the access to

performance data by a user only if the user is willing to share the performance data. The art cited by the Examiner does not teach, suggest or even seem to relate to this interaction of the performance data access mechanism and the performance data transmission mechanism.

Each of the other independent claims, namely claims 1, 8, 9, 10, 11, 12, 15 and 19, were similarly rejected by the Examiner on the same rational without further arguments. Each of the independent claims recite a similar limitation for a performance data access mechanism. However, in some claims, this limitation is in the form of steps that are performed. Applicants believe the cited art does not show the features of the claimed invention in these independent claims. The Examiner's rejection of these claims suffers from the same lack of anticipation for claim 5. The Applicants respectfully request the Examiner to reconsider the rejection and allow the claims to issue.


In addition, each of claims 2-4, 6-7, 13-14, 16-18 and 20-22 depend on one of the independent claims that are allowable for the reasons given above. As a result, claims 2-5, 7-10, 12-15, and 17-22 are allowable as depending on allowable independent claims. Applicant respectfully requests reconsideration of the Examiner's rejection of claims 1-22 under 35 U.S.C. §102(e).

The related applications paragraph on page 1 of the specification was amended to provide the serial number and data of the related application that were not available when the application was filed.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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